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SUBJECT: INDEPENDENT ELECTORAL AGENCY CONFIDENT IT HAS THE
ORGANIZATIONAL CAPABILITIES TO OVERSEE MAY CONGRESSIONAL/MUNICIPAL
ELECTIONS; NOW IF IT ONLY HAD AN ADEQUATE BUDGET APPROPRIATION....

REF: A. SANTO DOMINGO 1343; B. SANTO DOMINGO 1216

(U) Sensitive but Unclassified. Please protect accordingly.

SUMMARY

¶1. (SBU) The members of the Administrative Chamber of the Central Electoral Board (JCE), the Dominican Government's independent electoral body, are confident that their agency has the organizational capabilities to oversee free and fair congressional/municipal elections on 05/16/10. They are concerned, however, that the recently approved 2010 national budget contains the same budget allocation for the JCE as in 2009 (a non-election year), while the JCE estimates it needs an additional USD 50 million to cover election-related expenses. The officials expect President Leonel Fernandez will follow through on his oral commitment to them to transfer the necessary funds from the Presidency's budget allocation, but acknowledge that the JCE's reliance upon the Executive Branch's largesse does not reinforce the electoral agency's image as an independent and impartial body. The JCE officials would like to see the proposed Political Parties Law enacted, as this would increase transparency and strengthen the agency's supervisory authority over campaign financing, but this is unlikely to happen in time to apply to the May elections. While the constitutional reforms scheduled for promulgation on 01/26/10 will split the JCE into two separate agencies, this will not occur until August, well after the elections have been decided. END SUMMARY.

¶2. (U) The three members of the JCE's Administrative Chamber, which is responsible for organizing, carrying out and supervising elections (as well as for operating the civil registry and the issuance of identification documents) -- Chairman Roberto Rosario, Jose Aquino and Cesar Felix -- accompanied by JCE General Administrator of Information Miguel Garcia and JCE National Director of Elections Joel Lantigua, met with Charge, A/DCM and PolEcon Counselor on 12/22/09, to provide a briefing on the JCE's preparations for and concerns regarding the May 2010 congressional/municipal elections.

BUDGET SHORTFALL HEADS LIST OF CONCERNS

13. (U) While overwhelmingly positive on their assessment of the JCE's organizational capabilities to oversee free and fair elections, Rosario and his colleagues expressed concern over their agency's precarious financial situation. They explained that the recently approved national budget for 2010 provides the exact same budget allocation for the JCE as the 2009 budget (2.433 billion pesos or USD 67.6 million) even though the JCE is tasked this year with carrying out what Rosario described as "the most complex election in the nation's history." The JCE officials insisted that their agency will require at least an additional 1.8 billion pesos (USD 50 million) to cover election-related expenses, judging from the costs involved in holding the 2008 presidential elections.

14. (SBU) Rosario said that President Leonel Fernandez has assured the JCE that sufficient funds will be transferred from the Presidency's budget allocation to the electoral agency, but cautioned that this has to occur in January for the JCE to adhere to its preparatory schedule. Aquino commented that this is how similar budgetary shortfalls have been handled in the past, adding that such shifting of funds is authorized by law. The three JCE members agreed that their organization's dependency on the Executive Branch for massive last-minute financial transfers

undermines the JCE's image as an independent and non-partisan electoral agency, but, they lamented, unfortunately that is how this process tends to work in the Dominican Republic.

15. (SBU) A secondary concern, according to Rosario, is the possibility that candidates of the ruling Dominican Liberation Party (PLD) and its Social Christian Reformist Party (PRSC) allies will use government resources to further their campaigns. He said that the JCE carries out preventive education to discourage this practice and also has the legal authority to take measures when such acts occur. The JCE members cited as past examples their organization's forcing the government to halt improper payments to one of its nominees, ordering the provisional arrest of 30 people in Montecristi Province for interfering in the electoral process, and mandating the removal of posters. They acknowledged, however, that the JCE's enforcement and deterrent powers are limited, as its authority to address electoral crimes lapses once the elections are over; then it falls to Public Ministry prosecutors to pursue violators.

16. (U) Rosario said that there was no danger that the law requiring that one-third of each party's or alliance's candidates be female would be transgressed. The JCE, he vowed, will strictly enforce this rule, and any party or alliance that does not comply will find that its list of candidates will be rejected in toto. Aquino commented that the JCE is on its guard and will not permit parties to engage in the past practice of registering a female candidate, then having her resign at the last minute to be replaced by a male.

ELECTION MECHANICS

17. (U) The JCE officials provided the following read-out on election mechanics and preparations:

n There will be over 4000 electoral contests (mostly municipal council posts), including races for the 32 Senate seats, 178 National Deputy slots, as well as 384 municipal and municipal

district mayor, deputy mayor and municipal council positions.

n Electoral Alliances need to be registered by 03/02/10, while all candidates have to be registered by 03/17/10.

n There are 26 national parties and one municipal movement registered. Most of the small parties will eventually ally themselves with either the PLD or the opposition Revolutionary Dominican Party (PRD), in return for a quota of candidacies (both major parties are reserving 15 percent of their nominations for alliance partners) and so as not to lose their party registration (which happens if a party fails to receive two percent of the vote in the last presidential race or if it does not have a representative in Congress).

n There currently are 6,098,227 registered voters, a number that is projected to rise to 6,102,089, including 333,840 new voters.

n Ballots will be cast at 13,588 voting tables located at 3,940 electoral precincts nationwide.

n Voter turnout is expected to be around 50 percent since this is not a presidential contest (56.5 percent of voters cast ballots in the 2006 congressional elections, while 70.7 percent voted in the 2008 presidential race).

n The JCE, through 2,457 training workshops, has trained and approved 54,960 temporary personnel, the largest share of whom are university students, to staff the voting tables.

n The JCE is currently ahead of its preparatory timeline for the elections, with a 90 percent completion rate on the selection of personnel for scanning and data entry, development of the electoral computation program, and the purchase of scanners.

n The scanners will be used to speed up the reporting of election results, with the JCE expecting to report on 71 percent of the vote the evening of the elections, including the exact composition of the Senate, the number of deputies each party/alliance will win (the identity of the winning deputies will take more time as votes are cast for a party's list of legislators and voters have the option of casting one preferential ballot for a particular candidate, which is tabulated separately) , and the results of the most important mayoral races.

RELATIONS WITH POLITICAL PARTIES

18. (U) The JCE members said that they have excellent relations with the major political parties, consult regularly with their leaderships (meetings every three months, which will be increased in the run-up to the elections until there are weekly get-togethers), and have provided extensive technical assistance to both the PLD and opposition Revolutionary Dominican Party (PRD) in running their respective primaries (Ref A). The major parties have permanent representatives stationed at the JCE's information management and electoral offices, as well as liaison officials at the 150 JCE municipal branches. In February, the JCE plans to

conduct training for political party personnel who will be stationed at voting tables to monitor the balloting and computation of votes. In addition, the JCE will be distributing 1.14 billion pesos (USD 31.6 million) in public financing to the political parties, 80 percent of which will go equally to the PLD and the PRD (having obtained over five percent of the vote in the last election) and 20 percent to the smaller parties (who obtained less than five percent).

PROPOSED POLITICAL PARTY LAW

¶9. (U) The Congress has been considering for the past 10 years a draft law regulating political parties and their activities, and there was an expectation that this legislation would be passed in time for it to apply to the May 2010 election campaign. The JCE officials expressed their hope that this law would be enacted, as it would mandate transparency and give them greater means to control campaign financing and expenditures and help lessen the possibility that narcotraffickers could buy influence over candidates. (COMMENT: Passage of the Political Parties Law in time for its application to the congressional/municipal elections appears increasingly unlikely. The bill is still mired in committee, Congress is scheduled to end its current "extraordinary" session on 01/11/10 and will not commence its next "ordinary" session until 02/19/10. END COMMENT).

CONSTITUTIONAL REFORMS

¶10. (U) The JCE currently consists of a three-member Administrative Chamber, which organizes, carries out and supervises elections, and also operates the civil registry and the issuance of identification documents; a five-member Dispute Resolution Chamber, which resolves electoral and internal party disputes; and a nine member plenum, made up of the members of the two chambers and presided over by JCE President Julio Castanos Guzman (REF A), which sets policy and handles internal administrative details. Under the constitutional reform to be promulgated on 01/26/10, the plenum and its president will disappear; the current Administrative Chamber will henceforth be the JCE (and its members will continue to be chosen by the Senate), with enhanced authority to regulate campaign financing and expenditures; and the Dispute Resolution Chamber will be transformed into a new Superior Electoral Tribunal, made up of between three and five members to be chosen by the National Judicial Council.

¶11. (U) These changes will not occur until August 2010, however, when the current JCE's members' terms were already scheduled to end, and thus, the three JCE members explained, will not have a direct impact on the May electoral process. They added that the constitutional reforms will require major revisions in existing legislation and regulations dealing with elections, the civil registry and the issuance of identification documents. Rosario stated that the Organization of American States may finance a consultant to assist the JCE in preparing for these legislative and regulatory changes.

COMMENT

¶12. (SBU) Embassy shares the JCE's confidence that it has the organizational capabilities to carry out successfully the May 2010 congressional/municipal elections. USAID provided significant technical and resource assistance to build up the JCE's capabilities following the latter agency's reorganization under the 1994 Constitution, and, following the well-organized and highly

transparent 2008 presidential elections, deemed the JCE had "graduated" from the need for further USAID electoral support. The chief concern regarding the "fairness" of the upcoming election focuses on the possible use of government resources to further the campaigns of candidates for the ruling PLD/PRSC alliance. The NGO Participacion Ciudadana (PC), which receives USAID funding, is taking the lead in organizing an observation mission that will focus on the political campaigns, in addition to the actual balloting on election day. Post will closely monitor the campaigns and the voting/tabulation on May 16.

¶13. (SBU) We also share the JCE's uneasiness with the budgetary process, which has left that organization completely reliant on the Presidency for the funding required to carry out the congressional/municipal elections. While the current JCE is less politicized than in previous years, its independence and impartiality would be better served were it to have a sufficient budget allocation of its own. In addition, the nine JCE members could be vulnerable to political pressure as all will complete their terms in August 2010 and their reappointment will be in the hands of the National Judicial Council (dominated by the Executive Branch and ruling PLD party) in the case of the new Supreme Electoral Tribunal, or the Senate (likely to remain under the control of the PLD) in the case of the JCE. END COMMENT.
Lambert